

HB637 HD2 SD1

Measure Title: RELATING TO THE STATE BUILDING CODES.

Report Title: State Building Codes; Uniform Plumbing Code; Adoption; Appropriation (\$)

Description: Amends the time frame for the review, update, and adoption of the Uniform Plumbing Code as it relates to the Hawaii State Building Codes. Appropriates funds for the State Building Code Council. (SD1)

Companion: [sb634](#)

Package: None

Current Referral: PSM/GVO, CPH/WAM

Introducer(s): YAMANE, AQUINO, CULLEN, EVANS, ICHIYAMA, JOHANSON, KONG, C. LEE, LOWEN, SAY

DAVID Y. IGE
GOVERNOR



RODERICK BECKER
Comptroller

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Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE BUILDING CODE COUNCIL

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

March 29, 2017

Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Dear Chairs Baker and Tokuda:

Subject: House Bill 637 HD2 SD1 Relating to the State Building Codes

I am Gaur Johnson, Chair of the State Building Code Council (SBCC). This bill was only recently discussed during the past two meeting of the SBCC on February 14th and March 14th of this year. The SBCC was not consulted in regard to, nor was it aware of, this bill prior to it being introduced. As a result of our discussions, the SBCC provided testimony in OPPOSITION of House Bill 637 HD2 to the PSM-GVO joint hearing on March 16th. I have reviewed the STAND. COM. REP. NO. 954 which discusses the amendments made by PSM-GVO committee resulting in House Bill 637 HD2 SD1. One of the proponents has subsequently reached out to me to get more information and we will continue to talk about a solution going forward. In the meantime, I am providing the following **comments to address the standing committee report no. 954** followed by the **SBCC consensus statement in OPPOSITION to HB 637 HD2**.

Comments in response to STAND. COM. REP. NO. 954 & HB 637 HD2 SD1

The current timelines in HRS 107-24 and HRS 107-28 are appropriate for the proper review, amendment and adoption of State Building Codes considered by the State Building Code Council. **The following amendments are recommended to HB 637 HD2 SD1:**

- **Delete Section 2** as no amendment is required to HRS 107-24
- **Delete Section 3** as no amendment is required to HRS 107-28

HRS 107-23 Executive director and executive assistant; council budget, indicates that these items shall be included in the DAGS budget. A request for funding the Executive Director and Executive Assistant positions and other expenses in HRS 107-23 was made by the SBCC to DAGS. DAGS submitted their prioritized budget request for consideration and inclusion in the Governors legislative package. That process did not result in the SBCC's request being included in the Governors legislative package. The budget request was for approximately \$150,000 per year. **\$150,000 per fiscal year would be the appropriate amount to include in Section 4 of HB 637 HD2 SD1.**

BACKGROUND: SBCC Original Consensus position in OPPOSITION to HB 637 HD2

This bill proposes changing HRS 107-24(f) and HRS 107-28 for the purpose of expediting the review, update, and adoption of the Uniform Plumbing Code as it relates to the Hawaii State Building Codes. Essentially the language shortens the required time frame for adoption of the State Plumbing Code by the SBCC and the counties.

This measure will not be effective in actually changing the timely adoption and update of the State Plumbing Code. The delay in updating the State Plumbing Code and most other codes considered by the SBCC is due to a lack of funding of the executive director and executive assistant positions and other expenses required to complete the Hawaii Administrative Rule making process after the SBCC has approved the technical language of amendments to the national standards such as the UPC. Technical review of the 2012 UPC has occurred and has been approved more than a year ago by the council, however, there are no funds to complete the Hawaii Administrative Rule making process. This means that county adoption timelines have not been triggered. Details regarding the challenges that the SBCC has faced due to insufficient funding since its formation in 2007 are provide in the SBCC's annual report to the legislature (Department Communication 27). The report is available at this link: <http://ags.hawaii.gov/wp-content/uploads/2012/09/BldgCodeCouncil2016.pdf>

I hope that the proponents of this bill will attend future SBCC meetings and coordinate with the council so that we can discuss and jointly pursue effective means for making the code adoption process timelier to best serve the state of Hawaii. Current and previous members of the SBCC understand the frustration that the proponents of this bill must feel but the proposed measure will not accomplish their goal. The current timeline in HRS 107 is realistic and attainable if the council is fully funded so that we can carry out the obligatory Hawaii Administrative Rule making process. This timeline was established during the formation of the council based on what is typical for most other states and local jurisdictions across the nation.

Indeed, it is not practical for the 100% volunteer technical experts who comprise the council to complete this task at a faster rate than is currently specified in HRS 107 especially when funding has not been forthcoming for the executive director and executive assistant positions and other expenses required to complete the Hawaii Administrative rulemaking process.

Thank you for allowing the SBCC to provide this information and testimony in **OPPOSITION** of HB 637 HD2.

Should you have questions, please contact me at (808) 956-2377 or gaur@hawaii.edu

Sincerely,

GAUR JOHNSON
Chair, State Building Code Council

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-0696 or email at state.bcc@hawaii.gov .

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March 30, 2017

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The Honorable Rosalyn H. Baker, Chair
and Members
Committee on Commerce, Consumer Protection, and Health
State Senate
Hawaii State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable Jill N. Tokuda, Chair
and Members
Committee on Ways and Means
State Senate
Hawaii State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Baker, Chair Tokuda, and Members:


Subject: House Bill 637, House Draft 2, Senate Draft 1 Relating to the State Building Codes

We support House Bill 637, House Draft (HD) 2, Senate Draft (SD) 1. This measure expedites the review, update, and adoption of the Uniform Plumbing Code as it relates to the Hawaii State Building Codes.

House Bill 637, HD2, SD1 will conserve limited high quality potable water by increasing the efficiency of plumbing fixtures and provide guidance on the expanded use of gray water for nonpotable irrigation.

Thank you for your consideration of our written testimony on House Bill 637, HD2, SD1.

Very truly yours,


for ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

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March 30, 2017

TO: HONORABLE ROSALYN BAKER, CHAIR, HONORABLE CLARENCE NISHIHARA, VICE CHAIR AND MEMBERS OF THE COMMERCE, CONSUMER PROTECTION AND HEALTH

HONORABLE JILL TOKUDA, CHAIR, HONORABLE DONOVAN DELA CRUZ, VICE CHAIR AND MEMBERS OF THE COMMITTEE ON WAYS AND MEAN

SUBJECT: **OPPOSITION TO H.B. 637, HD2, SD1, RELATING TO STATE BUILDING CODES.** Amends the time frame for the review, update, and adoption of the Uniform Plumbing Code as it relates to the Hawaii State Building Codes. Appropriates funds for the State Building Code Council. (SD1)

Public Decision Making

DATE: March 30, 2017
TIME: 9:30 a.m.
PLACE: Room 211

Dear Chair Baker & Chair Tokuda, Vice Chair Nishihara and Vice Chair Dela Cruz and Members of the Committees,

The General Contractors Association of Hawaii (GCA) is an organization comprised of over five hundred 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 opposed to the passage of this measure as it will require the State Building Code Council to give preference to adoption of Plumbing and water code amendments over other other model codes pending adoption, such as the electrical code, fire code and building codes. H.B. 637, HD2, SD1, Relating to the State Building Code would require the State Building Code Council to adopt provisions of an updated Uniform Plumbing Code within one year after it is published by the International Association of Plumbing and Mechanical Officials. The bill would also require the various county councils to act within one year of the updated uniform plumbing code is adopted by the State Building Code Council. Current statutes allows the Council to review and adopt any changes as appropriate to new model building codes within eighteen months of publication by the various associations that review and adopt model codes.

While we understand the need to conserve water and to implement practices that promote water efficiency, the expeditious adoption of the Uniform Plumbing Code will not resolve such conservation efforts. Furthermore, current codes allow for water conservation measures to be implemented including gray water proposals. The Department of Health has Guidelines of

permitting gray water use available at http://health.hawaii.gov/wastewater/files/2016/03/14_Gray_Water_GL.pdf
The current review process of eighteen months is already tight, given the number and complexity of codes that the Council reviews and adopts. It is important for the Council to have the discretion on how the various reviews should proceed within the parameters of the law. The Council is composed of each of the county's planning and building officials and various industry representatives that meet once a month and must rely on the staff of the Department of Accounting and General Services for clerical and administrative support. The solution to adoption of all codes subject to the Building Code Council's jurisdiction is funding, which has not been provided since the Council's inception in 2007.

Moreover the Council is in the process of adopting the 2012 Uniform Plumbing Code together with other Codes to address the recent adoptions of national codes, however have been stalled due to lack of funding, particularly for publication of public hearing notices.

For the above reasons, the GCA recommends that this measure be **held**. Thank you for the opportunity to comment on this measure.



Hawai'i Green Growth is a public-private partnership that catalyzes action across government, private sector and civil society to achieve Hawai'i's Aloha+ Challenge 2030 sustainability goals and serve as a model for integrated green growth

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Testimony of Hawai'i Green Growth In Support of HB637 HD2 SD1 Relating to State Building Codes Senate Committees on Commerce, Consumer Protection, and Health and Ways and Means

30 March 2017, 9:30 am, Room 211

Aloha Chairs, Vice Chairs, and Members of the Committee:

Hawai'i Green Growth strongly supports HB637 HD2 SD1 to review and reform plumbing codes. Adoption of newer codes will promote more efficient designs that take into consideration advances in geological and environmental science. In many cases, these newer codes will expand water reuse and recycling which will support fresh water conservation and recharge.

The quantity and quality of fresh water directly impacts the health, welfare and quality of life of Hawai'i's residents and the affects the economy. Based on global climate disruption, increasingly severe weather and natural disasters, and projected long-term decline of rainfall, there is an urgency to invest in Hawai'i's freshwater supplies. Water conservation is among the least expensive and most efficient ways to increase the available supply of fresh water.

Hawai'i Green Growth partners agreed that fresh water security, including **HB637 HD2 SD1**, is an important priority to support implementation on Hawaii's *Aloha+ Challenge 2030* sustainability goals. The *Aloha+ Challenge* is a joint leadership commitment launched by the State Legislature (SCR69), Governor, four County Mayors, Office of Hawaiian Affairs and Hawai'i Green Growth public-private partners. This statewide framework outlines six ambitious 2030 sustainability goals in the areas of clean energy, local food, natural resource management, solid waste, smart sustainable communities, and green education and workforce. The Aloha+ Challenge has been recognized nationally and internationally as model that can be scaled to support the implementation of the United Nations 2030 Sustainable Development Goals (SDGs) and the Paris Climate Agreement.

With leadership and support from the State Legislature, Hawai'i hosted the first U.S. held IUCN World Conservation Congress with over 10,000 global partners from 190 countries in 2016. This bill is an opportunity to continue important local action on sustainable development and resiliency.

As a public-private partnership, Hawai'i Green Growth strongly supports **HB637 HD2 SD1** and appreciates the opportunity to provide testimony.

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 637 HD2 SD1 Relating to the State Building Codes
Senate Committee on Commerce, Consumer Protection and Health
Senate Committee on Ways and Means
Thursday, March 30, 2017, 9:30AM, Room 211

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 40,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.

The Nature Conservancy supports H.B. 637 HD2 SD1 that would expedite the review, update and adoption of the Uniform Plumbing Code as it relates to the Hawai'i State Building Codes.

Easily available fresh water is not a limitless resource here in the middle of the Pacific. In recent years, several locations in the state experienced prolonged drought. The University of Hawai'i's Rainfall Atlas catalogues fewer trade wind days and declining rainfall over the past century. Temperature records were broken across the state in recent summers and increased heat brings greater evaporation of surface water and soil moisture. Native 'ōhi'a and koa forests that are proving to be better at capturing and retaining rain water and moisture are being impaired by non-native plants like strawberry guava, ginger and albizia.

In response to these conditions, we must plan and implement mitigative and adaptive measures to ensure the resilience of our natural and human systems. One important strategy is to ensure that we have healthy Hawaiian forests that act like a sponge, collecting rain and moisture and delivering fresh water into streams and aquifers. **Additionally, we must improve efficiencies and reuse of our fresh water resources. Newer plumbing codes promote:**

- **More efficient designs, resulting in money saved and water resources conserved;**
and
- **Expanded water reuse and recycling in many cases.**

Thank you for the opportunity to testify in support of this bill.

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Liaison/Scientific Advisor to HCF

**Testimony of the
Hawai'i Fresh Water Initiative
on
H.B. 637 HD2, SD1
Relating to the State Building Codes
Senate Committee on Commerce, Consumer Protection, and Health
Senate Committee on Ways and Means
Thursday, March 30, 2017. 9:30 am
Conference Room 211**

The Hawai'i Fresh Water Initiative strongly supports H.B. 637 HD 2 SD1, which encourages the conservation and efficient use of water resources by expediting updates of the Uniform Plumbing Code. Based on discussion fostered at the previous PSM/GVO hearing about FEMA coverage and other concerns, we have initiated a conversation with the leadership of the State Building Code Council and other stakeholders to find shared solutions that can be incorporated in this bill to ensure timely updates and an efficient adoption process. These discussions remain active and promising. We respectfully request that the Committees move this bill forward to facilitate these continuing talks.

The Hawaii Fresh Water Initiative was launched in 2013 and gathered a diverse Fresh Water Council to develop a forward-thinking and consensus-based strategy to increase water security for Hawaii. The blue ribbon panel of water stakeholders jointly and unanimously recommend key strategies and policies with an ultimate goal of creating 100 million gallons per day (mgd) in additional, reliable fresh water capacity by 2030. One of the key strategies to achieve the statewide water conservation goal of 40 mgd is to increase the use of non-potable water for irrigation and other non-potable uses.

The Uniform Plumbing Code establishes the minimum requirements and standards for the installation and maintenance of plumbing systems, for the protection of the public health, safety, and welfare. It is important that our codes remain up to date and that the valuable work of the State Building Code Council to keep codes consistent throughout the state is made as efficient as possible.

We support the bill and respectfully request that it continue to move forward. We continue to be willing to work on public-private approaches to support the council's work. Importantly, H.B. 637 HD 2 SD 1 will expedite the adoption of the revisions to the Uniform Plumbing Code published by International Association of Plumbing and Mechanical Officials and help advance Hawai'i's water security goals.

For these reasons, we support H.B. 637 HD 2 SD 1 and urge its passage.



ONE WORLD ONE WATER, LLC
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Testimony on H.B. 637 HD2 SD1
Relating to Water Conservation

Senate Committee on Commerce, Consumer Protection, and Health
Senate Committee on Ways and Means
March 30th, 2017
9:30 A.M.
Conference Room 211

Aloha Chair Baker, Chair Tokuda, Vice Chair Nishihara, Vice Chair Dela Cruz, and Members of the Committee on Commerce, Consumer Protection, and Health and the Committee on Ways and Means,

Subject: House Bill (HB) 637 HD2 SD1 Relating to the State Building Codes

At One World One Water we are dedicated to reinvesting in water infrastructure and restoring natural environments, and **we support HB637 HD2 SD1**. Newer plumbing codes promote more efficient designs, resulting in money saved for building owners and water resources conserved. Also the newer codes promote protection of public health and safety and take into consideration advances in geological and environmental science. We respect the effort it takes to review and update codes and understand that a designated neutral entity needs to facilitate with stakeholders to responsibly adopt new codes. We are supportive of finding resources for this process to expedite adoption of the updated version of the plumbing code.

As an organization committed to improving the quality and efficiency of our global water systems and resources, **we ask your support of HB637 HD2 SD1** to invest in Hawaii's water future.

Please contact us at globalwater@gmail.com should you have any questions or require additional information regarding this matter.

Sincerely,
One World One Water

Testimony of Michael G. Buck
on
H.B. 637, HD2, SD1
Relating to State Building Codes
Senate Committee on Ways and Means and
Senate Committee on Commerce, Consumer Protection, and Health
Thursday, March 30, 2017
Conference Room 211

Thank you for the opportunity to submit testimony in support of HB 637, HD2, SD1. I am a member of Hawaii's Fresh Water Council, who unanimously recommended key strategies and policies with an ultimate goal of creating 100 million gallons per day (mgd) in additional, reliable fresh water capacity by 2030. One of the key strategies to achieve this statewide water goal is to increase water conservation by 40 mgd over the next 15 years.

This measure encourages the conservation and efficient use of water resources by expediting updates of the Uniform Plumbing Code. The Uniform Plumbing Code establishes the minimum requirements and standards for the erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing systems, for the protection of the public health, safety, and welfare.

The SD1 addressed testimony offered by the State Building Code Council that the one-year time frame for updating the Uniform Plumbing Code is unrealistic given the Council's staffing issues and inadequate funding. The Committees amended this measure by replacing all references to a one-year time frame for the adoption of amendments to the Uniform Plumbing Code with an unspecified time frame.

While I prefer the HD2 version, I urge the Committees to pass this bill and establish a acceptable time frame in conference. This measure will expedite the adoption of the revisions to the Uniform Plumbing Code published by International Association of Plumbing and Mechanical Officials and help advance Hawai'i's water security goals. For these reasons, I strongly support H.B. 637 HD 2, SD1 and urge its passage.



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**TESTIMONY OF HAWAII LECET
PETER H. M. LEE**

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

SENATE COMMITTEE ON WAYS AND MEANS
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

NOTICE OF DECISION MAKING

DATE: Thursday, March 30, 2017
TIME: 9:30 a.m.
PLACE: Conference Room 211

TESTIMONY ON HOUSE BILL NO. 637 HD2 SD1, RELATING TO THE STATE BUILDING CODES

ALOHA COMMITTEE CHAIR BAKER, COMMITTEE VICE CHAIR NISHIHARA, AND MEMBERS ON COMMERCE, CONSUMER PROTECTION, AND HEALTH:

ALOHA COMMITTEE CHAIR TOKUDA, COMMITTEE VICE CHAIR DELA CRUZ, AND MEMBERS ON WAYS AND MEANS:

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

Mahalo for the opportunity to testify in **OPPOSITION of House Bill No. 637 HD2 SD1**. This bill proposes to expedite the review, update, and adoption of the Uniform Plumbing Code as it relates to the Hawaii State Building Codes. It also appropriates funds to the State Building Codes Council.

Hawaii LECET believes the Uniform Plumbing Code is no more important than the National Electrical Code, the International Residential Code, the International Building Code, and the International Energy Conservation Code to name a few. Expediting review, update, and adoption of one particular building code is bad precedent. All codes needs the same attention as it protects public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

Funding the State Building Codes Council is necessary and long overdue. **HRS 107-23 (b)** already requires DAGS to fund this council. It states...

(b) The budgetary requirements for conducting meetings, training, travel, and other related responsibilities of the council, including salaries of the executive director, executive assistant, and other staff, shall be included in the budget of the department of accounting and general services.

Even though DAGS is mandated to fund this council, they have chosen not do so. Thus, this council has been operating without funding since its inception 10 yrs ago. We strongly believe delays in updating building codes are directly related to the absence of funding, absence of a Director and an assistant needed to complete the administrative rules process.

For the above-mentioned reason, we oppose House Bill No. 637 HD2 SD1 and request its deferral; and request DAGS to fund the State Building Codes Council per HRS 107-23 (b).



LiUNA!

TESTIMONY OF HAWAII LABORERS UNION LOCAL 368 PETER GANABAN – BUSINESS MANAGER

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

Senator Rosalyn H. Baker, Chair

Senator Clarence K. Nishihara, Vice Chair

SENATE COMMITTEE ON WAYS AND MEANS

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

NOTICE OF DECISION MAKING

DATE: March 30, 2017

TIME: 9:30 AM

PLACE: Conference Room 211

TESTIMONY ON HB637, HD2, SD1 RELATING TO THE STATE BUILDING CODES

ALOHA COMMITTEE CHAIR BAKER, VICE CHAIR NISHIHARA, AND COMMITTEE MEMBERS ON COMMERCE, CONSUMER PROTECTION AND HEALTH:

ALOHA COMMITTEE CHAIR TOKUDA, VICE CHAIR DELA CRUZ, AND COMMITTEE MEMBERS ON WAYS AND MEANS:

I am Peter Ganaban, Business Manager/Secretary-Treasurer of the Hawaii Laborers Union, Local 368. Local 368 represents over 5000 men and women both working and retired throughout the State of Hawaii and we stand in **OPPOSITION** to **HB 637, HD2, SD1**.

HB 637, HD2, SD1 proposes to expedite review and adoption of the Universal Plumbing Code (UPC) ahead of all other codes, and fund the State Building Code Council (SBCC). We are opposed for two main reasons:

We see no reason that the UPC should be put ahead of the other building codes for review and adoption. All modern and up-to-date building codes are equally as important as they all relate to the general welfare and safety of the public and the construction of the structures that they govern.

In light of an increase in the frequency of hurricane threats and “close calls” in the recent years, the case can be made that codes such as the International Building Code and International Residential Code are even more important than the UPC as

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those codes determine building methods that directly address the structural integrity of residential and commercial structures.

This bill also requests funding of the State Building Codes Council. This proposal is redundant and duplicative. HRS 107-23 (b) already requires the Department of Accounting and General Service to fund the SBCC¹. The real issue with regard to funding has already been addressed by way of statute, the question is why hasn't DAGS funded the SBCC as required?

In light of the above-mentioned reasons, the Hawaii Laborers Union stands in **OPPOSITION** to **HB 637, HB2, SD1**.

Thank you for the opportunity to testify.

¹ (b) The budgetary requirements for conducting meetings, training, travel, and other related responsibilities of the council, including salaries of the executive director, executive assistant and other staff **SHALL BE** included in the budget of the department of accounting and general services...