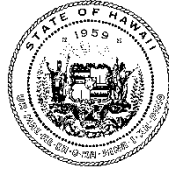


DAVID Y. IGE
GOVERNOR



RODERICK K. BECKER
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

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

TESTIMONY OF
RODERICK K. BECKER, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE ON WAYS AND MEANS
ON
FRIDAY, FEBRUARY 23, 2018
10:00 A.M.
CONFERENCE ROOM 211

S.B. 3006, S.D. 1

RELATING TO BUILDING CODES.

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee, thank you for the opportunity to submit testimony on S.B. 3006, S.D. 1.

The Department of Accounting and General Services (DAGS) continues to have many of the concerns expressed in our earlier written testimony submitted to the Senate Committees on Governmental Operations and Public Safety, Intergovernmental, and Military Affairs. Hawaii Revised Statutes (HRS) Chapter 107 Part II already establishes a process through which building codes are to be considered for approval and adoption by the State Building Code Council.

In addition, the current draft of the bill inserts new language that, if passed into law, may present significant challenges to implementation, including:

1. The bill provides that “[n]o county shall deny a permit for construction or alteration to facilities for any state project that uses an alternative code pursuant to this subsection.” In light of this requirement, the counties may choose not to accept State applications for building permits on projects using codes not adopted

by the counties. As a result, the State would not be accorded the value of the counties' permit reviews of its projects, which would have wide-ranging effects the State now avoids through the use of those reviews.

2. The bill requires that the same standard of care apply to projects designed and constructed under both conventional and alternative codes. The term "standard of care" is a threshold for measuring conduct based on what a reasonable and prudent design or construction professional would do under similar circumstances. Design or construction under a conventional code would be inherently dissimilar to design or construction under an alternative code and, therefore, the "similar circumstances" required for application of a "standard of care" would not exist.

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

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
SUZANNE B. CASE
Chairperson**

**Before the Senate Committee on
WAYS and MEANS**

**Friday, February 23, 2018
10:00 PM
State Capitol, Conference Room 224**

**In Consideration of
SENATE BILL 3006, SENATE DRAFT 1
RELATING TO BUILDING CODES**

Senate Draft 3006, Senate Draft 1 proposes to provide greater flexibility in the use and application of Hawaii state building codes, while ensuring public health and safety. **The Department of Land and Natural Resources (Department) supports this measure and recommends that it be amended as detailed below.**

Historic buildings represent both the heritage of the State of Hawaii, and economic and housing assets. Rehabilitation and reuse of historic buildings offers substantial economic benefits as can be seen, for example, in the historic districts throughout the state. At the same time, rehabilitation, renovation and continuing occupation of historic residential buildings can contribute to easing of Hawaii's housing shortage. Rehabilitation, renovation, and continuing and/or reuse is sometimes challenged by the requirements of building codes that are designed for new construction while not necessarily enhancing health or safety.

Accordingly, the Department recommends that SECTION 2 of this measure be amended as follows:

"§107-25 Hawaii state building codes; requirements. (a) There is established the Hawaii state building codes applicable to all construction in the State of Hawaii. The Hawaii state building codes shall be based upon:

- (1) The state fire code as adopted by the state fire council;

- (2) The Uniform Plumbing Code, as copyrighted and published by the International Association of Plumbing and Mechanical Officials, including its appendices;
- (3) The International Building Code, the International Residential Code, Chapter 12 of the International Existing Building Code, and the International Energy Conservation Code, as published by the International Code Council....”
Recommended amendment underlined.

Chapter 12 of the International Existing Building Code is designed to preserve historic buildings by minimizing unnecessary changes to historic fabric, while ensuring that all measures needed to ensure structural integrity, fire, health, and safety are accomplished in a manner respecting the historic character of the structure.

Thank you for the opportunity to comment on this measure.



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST
650 Iwilei Road, Suite 285 · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: hilecet.org

February 23, 2018

THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018

COMMITTEE ON WAYS AND MEANS

NOTICE OF DECISION MAKING

DATE: Friday, February 23, 2018
TIME: 10:00 A.M.
PLACE: Conference Room 211

RE: SUPPORT OF SB3006 SD1- RELATING TO BUILDING CODES

Aloha Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran, and members of the Committee on Ways and Means...

The Hawaii Laborers-Employers Cooperation and Education Trust (LECET) is a labor-management partnership between the 5000+ members of the Hawaii Laborers Union and its 250+ unionized contractors.

Hawaii LECET SUPPORTS SB3006 SD1 which allowss state projects to be designed and constructed using an alternative code that is most cost effective to a project, subject to certain conditions, including health and safety.

Building codes are necessary to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. They dictate how things are built, but when building codes are too strict and causes unnecessary increases in costs (material, labor, etc...), alternative codes should be considered if public health and safety are not compromised.

For this reason alone, we ask for your consideration to pass SB3006 SD1 as written.

With respect,

Peter H. M. Lee
Hawaii Laborers-Employers Cooperation
and Education Trust



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003

TELEPHONE (808) 847-5341 • FAX (808) 847-2224

February 21, 2018

TO: SENATE COMMITTEE ON WAYS AND MEANS

RE: TESTIMONY IN OPPOSITION OF SENATE BILL 3006 SD1 RELATING TO BUILDING CODES

For Hearing on Friday, February 23, 2018, at 10:00 a.m., in Conference Room 211

Honorable Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran, and Committee Members,

The **International Brotherhood of Electrical Workers Local Union 1186** represents nearly 4,000 members working in electrical construction, telecommunications, and with Oceanic Cable. Our members include civil service employees at Pearl Harbor, Hickam, Kaneohe, and military facilities throughout Hawaii. IBEW Local 1186 also represents over 120 signatory electrical contracting companies that perform most of the electrical work in our state.

IBEW 1186 would like to respectfully testify in opposition to **SB3006 SD1**.

Senate Bill 3006 in its original draft, proposed to allow the use of alternative building codes other than the National Electric Code (NEC) on state projects. IBEW 1186 appreciates the comments provided in Standing Committee Report No.2480, acknowledging the NEC as the “only electrical code that is universally used across all fifty states.” Further we appreciate and support the Committee on Public Safety, Intergovernmental, and Military Affairs and Government Operations recommendation to consider exempting the electricians trade from the alternative code.

The NFPA or National Fire Prevention Association is a global non-profit organization, established in 1896, devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. The NFPA has published approximately 383 various codes and standards for building, processing, design, service and installation around the world, that are designed to minimize risks and effects of fire or other related causes.

Locally, the State Fire Code and the NEC are both adopted from standards and codes promulgated by the NFPA, specifically noting NFPA 1 as it relates to the State Fire Code, and NFPA 70 as it relates to the National Electrical Code. Notably, SB3006’s amendments to section 107-25 HRS which allows for the use of standards and codes outside the NEC, may create inconsistencies and heightened risk between the State Fire Code and the NEC.

Act 35, Sessions Laws of Hawaii 2010, established minimum licensing requirements for electricians. In fulfillment of this Act, the IBEW 1186 apprenticeship program consists of an extensive and comprehensive 5 years or 10,000 hours of on the job training supplemented by 800 hours of related classroom instruction based on the codes and standards provided in the NEC. IBEW 1186 is concerned that similar levels of education and training may not exist should an alternative standard and code be employed. Further, deviating from such widely accepted and well known best practices, may expose the city and/or state to undue liability.

In closing, the primary objective of the NEC is to protect life and property. Such priorities must take precedent over any consideration of cost and/or investment value. For these reasons, IBEW 1186 respectfully ask that you HOLD SB3006 SD1. Mahalo for this opportunity to provide testimony.

Mahalo and aloha,

Damien Kim

Business Manager – Financial Secretary

International Brotherhood of Electrical Workers, Local Union 1186



Senator Donovan M. Dela Cruz, Chairman, Senate Committee on Ways and Means

Dear Chairman Cruz,

I'm writing to you about Senate Bill 3006 SD 1, Relating to Building Codes.

The IAPMO Group wants to go on record opposing this legislation for the following reasons.

- **As written, the proponents of this legislation are seeking to adopt an additional plumbing code, the International Plumbing Code (IPC).**
- **This issue is currently being discussed within the State Building Code Council.**
- **As proposed starting on line 11, “The alternative code shall be more cost effective than the applicable code of trade or area of construction...” The language is very subjective, *who would determine which code is more cost effective?***
- **Contractors and Plumbers are licensed per the Uniform Plumbing Code. If an alternate code is adopted, no one will be licensed to perform the work per the alternative code.**
- **A fiscal note will be needed for SB 3006 SD 1 as the State licensing agency will need to be funded to implement tests for contractors and plumbers**
- **Contractors and Plumbers will have to learn installation practices of an alternative code. Inspectors will have to be trained on how to inspect to the alternative code**
- **No other discipline in the state is simultaneously regulated by two different codes; rules; sets of practice**
- **In the code development process and the adoptions of codes at the “local level” stakeholders demand an open, transparent process by the adopting agencies. Adopting a second plumbing code by fiat legislation defies this concept.**
- **Technical Advisory Groups (TAG) are comprised of a broad spectrum of SME’s (Subject Matter Expert) who can vet provisions – these committees and their members are completely excluded since the International Plumbing Code (IPC) will be adopted without any review or amendments as has been done to the 2012 Uniform Plumbing Code (UPC).**
- **The public is disenfranchised by not being permitted to speak on their perspectives regarding the IPC.**



- The UPC has been used in Hawaii since the early 1970's and requires ONE book.
- Journeyman Plumbers and Contractor licensing certify competency by taking exams based on the Uniform Plumbing Code.
- Plumbing Inspectors are certified to the Uniform Plumbing Code.
- Apprenticeship and Journeyman classes are instructed on the plumbing installations based on the UPC.
- The County building department staff will have to become knowledgeable with the inspections required by the IPC and the differences between the IPC and the UPC.
- Any gain sought by the supposed “flexibility” of the IPC is already available by using UPC section 301.3 “Alternate Materials & Methods of Construction Equivalency”. Here a Building Official or Plumbing Inspector have broad discretionary latitude.
- This proposal requires acquisition of six (6) additional volumes in order to have the full set of books required to perform all plumbing applications,
 - IPC
 - IRC
 - IBC
 - IECC
 - IFGC
 - IMC
 - Plus NFPA 99 for Medical Gas systems
- The plumbing industry at large does not want a new or additional code regulating their work. This will cause unnecessary “unfunded mandate” to the industry
- The UPC has served the industry and consumers very well and is sufficient for
 - Journeyman plumbers
 - Contractors
 - Engineers & designers of plumbing systems
 - MCA
 - PHCC
 - Trainers of apprentices & journeyman
- Cost – it is prohibitively expensive to have two (2) codes in play for all parties noted above. Bottom line, consumers will pay more...

Thank you for allowing me to submit testimony to SB 3006 SD 1.

Dwight Perkins
Sr. VP of IAPMO Field Service
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GREGG S. SERIKAKU
EXECUTIVE DIRECTOR

Via Email

February 22, 2018

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means
The Twenty-Ninth Legislature, Regular Session of 2018

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

SUBJECT: SB3006 SD1 Relating to Building Codes

My name is Gregg Serikaku. I am the Executive Director of the Plumbing and Mechanical Contractors Association of Hawaii. The Association for which I speak is **strongly opposed** to SB3006 SD1.

This bill would permit state projects to be designed and constructed using alternative building codes from what is required under the state model codes subject to certain conditions. These conditions require that:

1. the alternative code is more cost effective than the applicable model code,
2. the prescriptive design of the alternative code does not negatively impact the performance of the project,
3. the alternative code does not negatively impact public safety and health, and
4. the alternative code is approved by the building code council.

While we certainly appreciate the stated intent of this bill, there are many questions about these requirements that need to be addressed:

- Who will be the person or agency responsible for determining whether an alternative code is more cost effective and how will this be substantiated?
- Will cost effectiveness be determined for the initial cost of construction only or will it also include cost of future system maintenance?
- Who will be the person or agency responsible for determining whether the alternative code does not negatively affect the performance of the project and how will this be substantiated?
- Who will be the person or agency responsible for determining whether the alternative code does not negatively affect public health and safety and how will this be substantiated?
- Will there be a thorough review by an independent party for each state project in order to verify that the alternative code meets all of the requirements for use?

Obviously, since every construction project presents different designs, requirements and conditions, there are no blanket answers to these questions, therefore making these determinations will involve significant costly research and detailed comparisons of the model code vs. the alternative code for each project in which the alternative code is being proposed.

There are many other serious considerations specific to the licensed plumbing and electrical trades as follows:

1. The State's licensing divisions utilize the State designated model codes in their testing for both individuals' and contractors' plumbing and electrical licenses. Furthermore, every 3 years, all individually licensed electricians and plumbers must go through a recertification which is largely based on the changes in most recent publication of the designated model codes.

If alternative codes are allowed, what type of requirements will be placed on the licensed contractors and individual tradespersons to insure they understand the proper implementation of the alternative codes and any changes that arise out of newer publications?

2. The largest registered apprenticeship programs in the State of Hawaii for both plumbers and electricians are based on the designated State model codes. These programs require 5 years of schooling and a minimum of 10,000 hours of work experience before apprentices can apply for their license exams.

If alternative codes are allowed, how will the State insure the tradespersons are properly trained in the correct installation of systems under the alternative codes?

3. All of the current designated model codes already have provisions that allow the use of alternative materials and methods of equivalency. These provisions are intended to apply in specific situations for which the model codes cannot reasonably accommodate, and must be reviewed and approved by the authority having jurisdiction to insure there are no concerns with its utilization.

Why is there a need to allow the use of an entirely unvetted alternative codes when there are already provisions in the current model codes that allow for specific limited alternative materials and methods when deemed necessary?

In fact it must be pointed out that when the legislature approved the formation of the State Building Code Council in 2005, the legislators wisely recognized the importance of protecting the licensed plumbing and electrical trades and specifically required that the model plumbing code be based solely on the Uniform Plumbing Code (UPC), and the model electrical code be based solely on the National Electrical Code (NEC), because these were the codes universally utilized by the 2 licensed trades in Hawaii. (Note: These 2 trades are long recognized under HRS 448E as significant trades that require individually licensed tradespersons due to the public health and safety concerns these types of trades entails.)

In closing, we feel that SB3006 SD1 as written creates significant concerns in regards to its implementation. Further, it is apparent that the current state model codes utilized by the licensed plumbing and electrical trades should be exempt from this legislation, and in fact, **SB3006 SD1 should be amended to prohibit the future inclusion of any alternative plumbing or electrical codes in the State model codes.**

Respectfully yours,



Gregg S. Serikaku
Executive Director