

# HAWAII STATE ENERGY OFFICE STATE OF HAWAII

235 South Beretania Street, 5<sup>TH</sup> Floor, Honolulu, HI 96813 | energy.hawaii.gov

DAVID Y. IGE  
GOVERNOR

SCOTT J. GLENN  
CHIEF ENERGY OFFICER

(808) 587-3807

Testimony of  
**SCOTT J. GLENN, Chief Energy Officer**

before the  
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS**

Tuesday, February 11, 2020  
2:00 PM

State Capitol, Conference Room 229

In SUPPORT of  
**SB 3076**  
**RELATING TO THE STATE BUILDING CODE COUNCIL.**

Chair Nishihara, Vice Chair Wakai and members of the Committee. The Hawaii State Energy Office (HSEO) supports SB 3076, which would fund the State Building Code Council (SBCC), which brings together the four county building code managers, two private design professionals, and one seat shared by either a representative from the general contractors association or the building industry association of Hawaii, and a representative from the HSEO.

We are in coordination with the Department of Accounting and General Services, and other stakeholders regarding plans for the uses of the proposed appropriation of funds, addressing personnel, training and other costs. Funding would provide much-needed support for the SBCC to update and adopt a uniform set of building codes statewide and meet the intent of Act 82, Session Laws of Hawaii, 2007, which was to adopt a uniform set of statewide building codes.

Thank you for the opportunity to testify.



**STATE OF HAWAII**  
**DEPARTMENT OF DEFENSE**  
**OFFICE OF THE DIRECTOR OF EMERGENCY MANAGEMENT**  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

**TESTIMONY ON SENATE BILL 3076,**  
**RELATING TO THE STATE BUILDING CODE COUNCIL**

Before the Senate Committee on  
**PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

By

Thomas L. Travis  
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chair Nishihara, Vice-Chair Wakai and Members of the Committee:

The Hawaii Emergency Management Agency (HI-EMA) **supports the intent** of Senate Bill 3076. After the near miss of Hurricane Lane in 2018, the lack of adequate, sturdy structures for the residents surviving high winds came into sharp relief. Current efforts to address this shortage are not effective either in the short or long term. The most effective solution is to build ourselves out of the problem. This bill is an important step in positioning ourselves to do this.

Senate Bill 3076 appropriates funds to add 1.0 FTE program director and 1.0 FTE staff member, and to provide for employment training, materials and supplies, and other costs associated with the state building code council and with establishing an office.

Since its formation, the state building code council has struggled with limited funding and staffing support. With the proper funding and permanent staff, the state building code council can better update and adopt commercial and residential codes, and meet the intent of Act 82, Session Laws of Hawaii 2007, which was to adopt a uniform set of statewide building codes.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide testimony on Senate Bill 3076.

Thomas L. Travis: Thomas.L.Travis@hawaii.gov; 808-733-4300

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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Email: [dliir.director@hawaii.gov](mailto:dliir.director@hawaii.gov)

February 10, 2020

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 3076 Relating to the State Building Code Council (SBCC)

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 SB 3076, which appropriates funds to add one full-time equivalent (FTE) program director and one FTE staff member; provide for employment training, materials and supplies, and other costs associated with the SBCC; and establish an office.

Act 82, Session Laws of Hawaii 2007, established the SBCC, codified in Part II of Chapter 107, Hawaii Revised Statutes to adopt a uniform set of statewide building codes applicable to one- and two-family dwellings, other residential uses, commercial, and industrial buildings, and state buildings to make it possible for building owners, designers, contractors, and code enforcers within the state to apply consistent standards.

The SBCC is comprised of four government officials, two private design professionals, and one seat shared by either a representative from the General Contractor Association of Hawaii or the Building Industry Association of Hawaii. Since its formation, the SBCC has struggled with no funding or staff support, as SBCC members serve on a voluntary basis. In addition to reviewing the national codes and standards, volunteer members are tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas and minutes. They must document and finalize state amendment packages to the national codes that include building, residential, plumbing, energy, fire, elevator, and electrical.

The Honorable Clarence Nishihara, Chair  
Page 2  
February 10, 2020

The SBCC's annual operating costs are estimated to be \$150,000. These costs include an Executive Director and Executive Assistant who would document and finalize proposed state code amendments for public and stakeholder review and forward the approved state code amendments to the counties to begin their adoption process. The staff would represent the SBCC at meetings and prepare and submit legislative testimony. The Executive Director and Executive Assistant positions could be permanent or contract employees, but ideally, their salaries would be incorporated into the Department of Accounting and General Services' budget.

The SFC and the HFD support the appropriation of funds to the SBCC and urge your committee's support on the passage of SB 3076.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

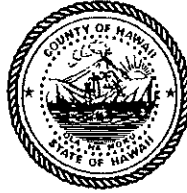
Sincerely,



MANUEL P. NEVES  
Chair

MPN/LR:gl

**Harry Kim**  
Mayor



**Darren J. Rosario**  
Fire Chief

**Lance S. Uchida**  
Deputy Fire Chief

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

February 10, 2020

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

**Subject: S.B. 3076, RELATING TO THE STATE BUILDING CODE COUNCIL**  
**Hearing Date: Tuesday, February 11, 2020**  
**Time/Place of Hearing: 2:00 p.m., Conference Room 229**

I am Darren J. Rosario, Vice Chairman of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD support SB 3076, which appropriates funds to add 1.0 full-time equivalent (FTE) program director and 1.0 FTE staff member, and to provide for employment training, materials and supplies, and other costs associated with the SBCC and with establishing an office.

The State has been blessed with years of dedicated service of SBCC members operating on a voluntary basis. The magnitude of the work the SBCC provides has been a struggle with the limited staff support and funding.

On behalf of the Hawai'i Fire Department, I support the written testimony being submitted by State Fire Council Chair Manuel Neves in its entirety.

The SFC and the HCFD respectfully request your passage of SB 3076.

Please do not hesitate to call me at 932-2903 or [darren.rosario@hawaiicounty.gov](mailto:darren.rosario@hawaiicounty.gov) should you have any questions. Thank you for the opportunity to provide testimony in support.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO  
Fire Chief





**KAUA'I FIRE DEPARTMENT**  
**THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR**  
**MICHAEL A. DAHLIG, MANAGING DIRECTOR**

**ROBERT F. WESTERMAN**  
**FIRE CHIEF**

Testimony of Robert F. Westerman  
Fire Chief, Kaua'i Fire Department

Before the  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
February 11, 2020; 2:00 pm  
Conference Room 229

In consideration of  
Senate Bill 3076  
Relating to the State Building Code Council (SBCC)

Honorable Chair Nishihara, Vice Chair Wakai, and Members of the Committee:  
The State Fire Council (SFC) and the Kaua'i Fire Department (KFD) **support** SB 3076, which appropriates funds to add 1.0 full-time equivalent (FTE) program director and 1.0 FTE staff member, and to provide for employment training, materials and supplies, and other costs associated with the SBCC and with establishing an office.

Act 82, Session Laws of Hawaii 2007, established the SBCC, codified in part II of chapter 107, Hawai'i Revised Statutes, to adopt 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 to make it possible for building owners, designers, contractors, and code enforcers within the State to apply consistent standards.

The state building code council is comprised of four government officials, two private design professionals, and one seat shared by either a representative from the general contractor association or the building industry association of Hawai'i. Since its formation, the SBCC has struggled with limited funding and staffing support. SBCC members serve on a voluntary basis. In addition to review of national codes and standards, volunteer members are tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas and minutes.

The annual operating costs of the SBCC are estimated to be \$150,000. These costs include: (1) an executive director and executive assistant who facilitate all aspects of the Hawai'i Administrative Rule making process and (2), all costs associated with advertising and holding public hearings including providing required hard copies of code documents for public review. The executive director and executive assistant positions ideally are permanent but could also be contract hires. The SFC and the KFD support the appropriation of funds to the SBCC and urge your committee's support on the passage of SB 3076.

The SFC and the KFD urge your committee's support on the passage of SB 3076.

[www.kauai.gov](http://www.kauai.gov)

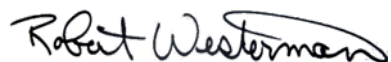
4444 Rice Street Suite 315 • Lihu'e, Hawai'i 96766 • (808) 241-4980 (b) • (808) 241-6508 (f)  
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The Honorable Clarence K. Nishihara, Chair  
Page 2  
February 10, 2020

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

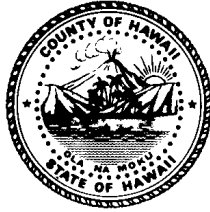
Sincerely,



Robert F. Westerman  
Fire Chief

RFW/LR:st





**Harry Kim**  
*Mayor*

**David Yamamoto, P.E.**  
*Director*

**Roy Takemoto**  
*Managing Director*

**Allan G. Simeon, P.E.**  
*Deputy Director*

**County of Hawai'i**  
**DEPARTMENT OF PUBLIC WORKS**  
**Aupuni Center**  
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public\_works@hawaiicounty.gov

February 10, 2020

Senator Clarence Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
And Members of the Committee on Public Safety, Intergovernmental, and Military Affairs

RE: TESTIMONY IN SUPPORT OF SB 3076, RELATING TO FUNDING THE STATE  
BUILDING CODE COUNCIL

Dear Chairs and members:

Thank you for this opportunity to testify in support of SB 3076 relating to the appropriation of funds for the State Building Code Council.

The County of Hawai'i supports the proposed bill funding two full time positions for the State Building Code Council (SBCC). Funding would provide vital support to the SBCC to update and adopt a uniform set of building codes statewide and meet the intent of Act 82, Session Laws of Hawaii, 2007, which was to adopt a uniform set of statewide building codes.

Thank you for this opportunity to testify in support of SB 3076.

Respectfully submitted,  
Robyn Matsumoto, P.E.  
Acting Building Division Chief, Hawai'i County Department of Public Works



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
DEPUTY DIRECTOR

STATE OF HAWAII  
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**LATE**

February 10, 2020

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 3076 Relating to the State Building Code Council (SBCC)

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 SB 3076, which appropriates funds to add one full-time equivalent (FTE) program director and one FTE staff member; provide for employment training, materials and supplies, and other costs associated with the SBCC; and establish an office.

Act 82, Session Laws of Hawaii 2007, established the SBCC, codified in Part II of Chapter 107, Hawaii Revised Statutes to adopt a uniform set of statewide building codes applicable to one- and two-family dwellings, other residential uses, commercial, and industrial buildings, and state buildings to make it possible for building owners, designers, contractors, and code enforcers within the state to apply consistent standards.

The SBCC is comprised of four government officials, two private design professionals, and one seat shared by either a representative from the General Contractor Association of Hawaii or the Building Industry Association of Hawaii. Since its formation, the SBCC has struggled with no funding or staff support, as SBCC members serve on a voluntary basis. In addition to reviewing the national codes and standards, volunteer members are tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas and minutes. They must document and finalize state amendment packages to the national codes that include building, residential, plumbing, energy, fire, elevator, and electrical.

The Honorable Clarence Nishihara, Chair  
Page 2  
February 10, 2020

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The SFC and the HFD support the appropriation of funds to the SBCC and urge your committee's support on the passage of SB 3076.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



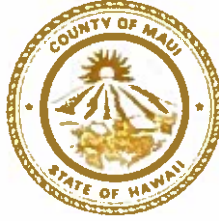
MANUEL P. NEVES  
Chair

MPN/LR:gl

**MICHAEL P. VICTORINO**  
Mayor

**DAVID C. THYNE**  
Fire Chief

**BRADFORD K. VENTURA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**

COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, HI 96732

February 10, 2020

**LATE**

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs

The State Senate  
State Capitol, Room 214  
Honolulu, HI 96813

Dear Chair Nishihara,

**SUBJECT: Senate Bill (SB) 3076 Relating to the State Building Code Council (SBCC)**

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and MFD support SB 3076, which appropriates funds to add 1.0 full-time equivalent (FTE) program director and 1.0 FTE staff member, and to provide for employment training, materials and supplies, and other costs associated with the SBCC and with establishing an office.

Act 82, Session Laws of Hawaii 2007, establishes the SBCC, codified in Part II of Chapter 107, Hawaii Revised Statutes (HRS), to adopt 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 to make it possible for building owners, designers, contractors, and code enforcers with the State to apply consistent standards.

The SBCC is comprised of four government officials, two private design professionals, and one seat shared by either a representative from the general contractor association or the building industry association of Hawaii. Since its formation, the SBCC has struggled with limited funding and staffing support. SBCC members serve on a voluntary basis. In addition to review of national codes and standards, volunteer members are tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas and minutes.

The annual operating costs for the SBCC are estimated to be \$150,000.00. These costs include: (1) an executive director, and executive assistant who facilitates all aspects of the Hawaii Administrative Rule making process and (2), all costs associated with advertising and holding public hearings including providing required hard copies of code documents for public review.

The Honorable Clarence Nishihara, Chair

Page 2

February 10, 2020

The executive director and executive assistant positions ideally are permanent but could also be contract hires.

The SFC and MFD support the appropriation of funds to the SBCC and urge your committee's support on passage of SB 3076.

Should you have any questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



DAVID C. THYNE  
Fire Chief

DCT/LR:gl

# MARTIN & CHOCK

INCORPORATED

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John A. Martin, Jr., S.E.  
Chairman  
Gary Y.K. Chock, S.E.  
President  
Lyle P. Carden, Ph.D., P.E.  
Principal

February 10, 2020

Honorable Members of the Committee,

## **I support State Bill 3076 Relating to the State Building Code Council.**

As a structural engineering practitioner, Chair of the Structural Engineers Association of Hawaii (SEAOH) Building Code Council Committee, and Member of the State Building Code Council, I am in favor of funding support for the State Building Code Council. My membership on the Council is a voluntary position, to assist the State in the maintenance of good building standards towards the goal of safe and energy efficient buildings. SEAOH has been involved in building code development for several decades and members were advocates during the inception of the State Building Code Council in 2007 as a means of: developing uniform construction standards throughout the State; allowing for regular updates to the codes consistent with national model codes, and; providing amendments to model codes appropriate to the specific geographic hazards and economic environment within the state.

The timely adoption of updated model codes is important in allowing for incremental improvements in standards of safety and energy performance, in areas where experience has found previous building standards to be deficient, or where advancing technology allows for an improvement in materials or better understanding of hazards and opportunities to mitigate those hazards. This has resulted in buildings that are much safer and more energy efficient today those of older vintages. The increase in safety and energy performance, is associated with an increase in initial cost of construction in some areas, although improvements in energy performance will reduce operational cost. The State Building Code Council also provides a means to temper the increase in cost, using appropriate state amendments, where national model code changes do not meet the needs of the state.

The proposed funding of the State Building Code Council would improve the effectiveness of the Council at achieving the above stated goals. The current operation, based on passionate volunteers and government officials, is getting closer than ever to achieving those goals, assisted by recent changes in the administrative process for adopting the code. But without dedicated staff, the code development process takes longer than it could, causing subsequent delays at the county level. Dedicated staff could relieve the administrative burden and allow the subject matter experts: Architects; Structural, Mechanical, Electrical and Fire Protection Engineers; Contractors, and; government representatives, to focus on the technical content. Furthermore, it would also improve the outreach, public awareness and public participation in the code development process. The role could also improve coordination between the different codes,

particularly where the model codes upon which the state codes are based have different publishing bodies: such as the Building Code, based on the International Code Council International Building Code; the Fire Code, based on National Fire Protection Agency (NFPA) 1, and; the plumbing code, based on the IAPMO Uniform Plumbing Code. Funded of State Building Code Council positions could champion cost-benefit analyses of new provisions, to provide a more quantitative basis for making code development decisions. The provision of technically sound and well-coordinated codes, would subsequently assist the counties in developing the rules for administrating the codes within their jurisdictions, without need for substantive technical changes.

To reduce burden on the State Building Code council, local jurisdictions, and users of the building codes, I also recommend that the current Statute be amended to lengthen of the adoption cycle within the State Building Code Council process itself to a six year cycle. This would still allow synchronization between the counties, maintain regular updates to the code while reducing the frequency of new code provisions for stability within the construction industry. This is a more realistic timeframe and ensures that state and counties maintain FEMA compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lyle P. Carden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Lyle P. Carden, Ph.D. P.E**

Principal, Martin & Chock, Inc.

SEAOH Building Code Committee Chair and Member of the State Building Code Council



**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,  
AND MILITARY AFFAIRS**

February 11, 2020, 2:00 P.M.

Room 229

(Testimony is 2 pages long)

**TESTIMONY IN SUPPORT OF SB 3076**

Aloha Chair Nishihara, Vice Chair Wakai, and Committee members:

Blue Planet Foundation **supports SB 3076**, appropriating funds to add two positions for the State Building Code Council (SBCC) and to provide for employment training, materials and supplies, and other costs associated with the SBCC and with establishing an office. Personnel and resources are needed to ensure that the model codes developed by the state (and adopted by the counties) are timely and reflect the latest in technology, energy, health, and safety.

**Investment in expertise and management of the SBCC will pay off many times over through the quicker adoption of up-to-date and Hawaii-specific building codes.**

Blue Planet is particularly concerned about the SBCC's current ability to timely vet and adopt modern building energy conservation codes. The energy efficiency and technology landscape is rapidly evolving. The International Code Council produces an updated version of the International Energy Conservation Code (IECC)—upon which Hawaii develops its code—every three years. The most recent version adopted by the state was the 2015 IECC, which replaced the 2006 IECC that was in place at the time of adoption. A decade is too long to wait to put in place updated minimum energy standards and building practices that will save building owners and residents significant money (not to mention reduce Hawaii's carbon emissions).

Energy efficiency is the most cost-effective energy resource available in the state, costing a fraction of fossil fuel-powered electricity.<sup>1</sup> The anticipated energy savings arising from the 2015 IECC were tabulated in a May 2016 Report prepared for the Department of Business, Economic

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<sup>1</sup> Energy savings delivered by the state's Hawaii Energy program in 2014 cost 2.4 cents per kWh. See *Hawaii Energy 2014 Annual Report*, available at [https://hawaiienergy.com/images/resources/ProgramYear2014\\_AnnualReport.pdf](https://hawaiienergy.com/images/resources/ProgramYear2014_AnnualReport.pdf). Even with today's relatively low oil prices, electricity from oil-fired power plants costs around five times more. See *DBEDT Monthly Energy Trends*, available at <http://dbedt.hawaii.gov/economic/energy-trends-2/>.

Development & Tourism (“DBEDT”).<sup>2</sup> The overall savings to residents and businesses in the state totaled over \$1.4 billion.

Annual Savings	2016	2026	2030	2036
MWh per year	12,962	1,083,590	1,991,059	4,702,738
\$	<b>\$4,000,000</b>	<b>\$337,000,000</b>	<b>\$619,000,000</b>	<b>\$1,463,000,000</b>

(Note: energy cost savings calculated here utilize the average retail cost of electricity over the past five years;<sup>3</sup> this provides a conservative estimate of cost savings, because it does not incorporate energy costs that are forecasted to rise in the future).

These savings will be realized thanks to the work of the SBCC, which analyzes and develops the model energy conservation code for the state. The state code is then adopted or amended by the counties.

Providing two positions and resources for the SBCC, as SB 3076 proposes, is a wise investment in Hawaii’s future. **A staffed building code council will enable Hawaii to capture more of these energy savings faster, while helping the state achieve its climate and clean energy goals.**

Thank you for the opportunity to testify.

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<sup>2</sup> See The Cadmus Group, Inc., *Energy Savings Forecast for the 2015 Int’l Energy Cons. Code with Haw. Amendments* (prep’d for DBEDT, May 2016), available at <https://energy.hawaii.gov/wp-content/uploads/2016/07/Energy-Savings-Forecast.pdf>.

<sup>3</sup> See DBEDT Monthly Energy Trends.



**LATE**

**SB-3076**

Submitted on: 2/10/2020 11:56:35 PM

Testimony for PSM on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerard Silva	Individual	Oppose	No

Comments: